

Battle Creek City Planning Commission

Staff report for the February 26, 2014 meeting

To: Planning Commissioners

From: Christine M. Hilton, AICP, Planning Supervisor
Planning and Community Development Department

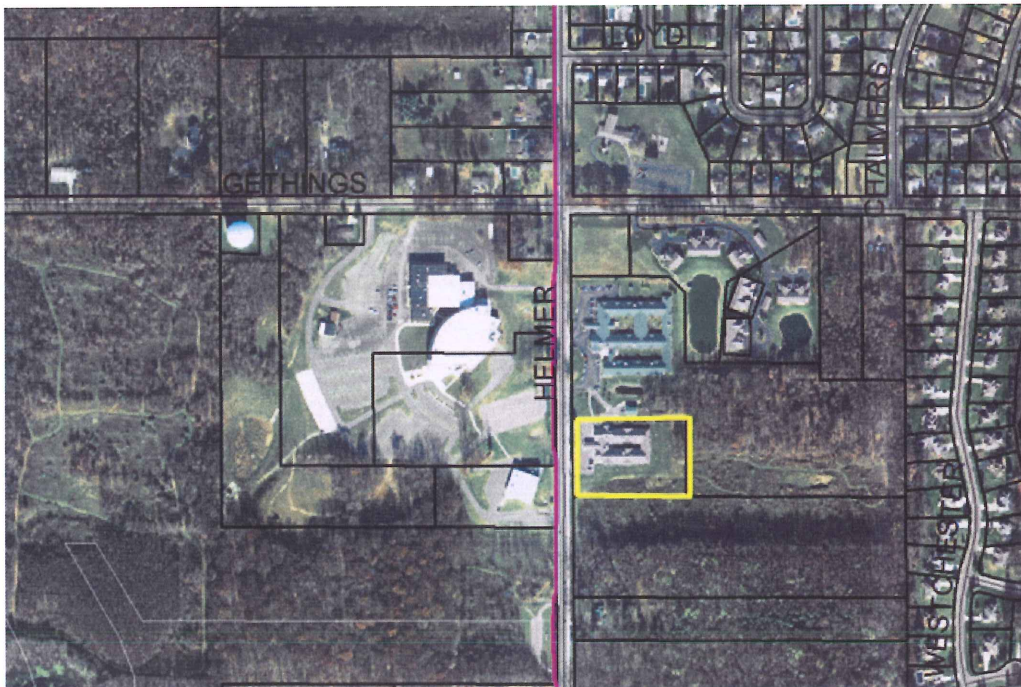
Subject: Petition S-01-14, request for amendment to an existing Special Use Permit for an addition to Reflections Memory Care, 14316 S. Helmer Road (Parcel 0072-00-610-0).

Summary

Petition from Scott Ganton requesting an amendment to an existing special use permit at 14316 S. Helmer Road for the addition of ten units to Reflections Memory Care as permitted under the Planning and Zoning Code, Chapter 1290, Section 1290.01(b)(6).

Background/Property Information

The subject site is located on the east side of S. Helmer Road, south of Gethings Road. The property is 2.97 acres in size with 292 feet of frontage along S. Helmer. The project is part of a larger development (Heritage Assisted Living) to the north and northeast that encompasses 15 acres.



The subject property is the location of The Reflections, an existing senior memory care facility. The existing facility is approximately 32,000 s.f. in size and contains 30 units. The on-site parking lot provides spaces for 24 vehicles. The property owner applied for and was approved a special use permit for this development in 2008.



Surrounding Land Uses / Zoning

The subject property and those in the vicinity are zoned R-1B Single Family Residential, however as seen from the aerial photo above, properties in the area are generally not used consistent with this zoning district:

- North** – Property owned by the applicant and used as assisted living facility (Heritage Assisted Living Facility) subject to a series of special use permits approved by the Planning / City Commissions. Further north is Birchwood United Methodist and beyond that single family residential neighborhoods.
- East** – Property owned by the applicant, part of the above mentioned parcel. Further east (~975') is the Windemere Subdivision.
- South** – Vacant parcels; further south (~880') is Potters Grove condominium development.
- West** – Directly west of the property is First Wesleyan Church, beyond that is Woodland Park.

Proposed Scope of Project

The applicant is seeking approval of an amendment to the special use permit that will allow a building addition to the facility that will add ten units to the southeast corner. Additionally, ten parking spaces will be added to the existing parking lot. The use will be the same as what is existing – senior assisted living memory care.

Applicable Ordinance Provisions

This type of facility is classified as convalescent/nursing homes in the zoning ordinance, and are addressed in the City of Battle Creek Zoning Ordinance, Chapter 1290 Special Land Uses, specifically 1290.01(b)(6) which allows for “*Public, parochial or private school housing facilities; convalescent or nursing homes; homes for the aged; nursery schools or day care centers;”.*

Public Hearing and Notice Requirements

As required by the Zoning Enabling Act of 2006, as amended, a public hearing notice was published in the Battle Creek Shoppers on Thursday, February 6, 2014 and notices of the public hearing were also sent by regular mail on Friday, January 31, 2014 to 7 owners and occupants of properties located within 300 feet of the subject parcel. To date, the Planning Department has not received any questions or comments relative to this request.

Neighborhood Outreach

The petitioner has made contact with the chair of NPC #10 and will be attending their Monday, February 24th meeting to discuss their request.

Basis For Determination

As a special use, the Planning Commission is charged with reviewing each Special Use Permit request to determine any effects the proposed use would have on the Master Plan as well as on the character and development of the neighborhood. The ordinance and enabling legislation allow the Planning Commission and the City Commission to impose any conditions upon the request that would ensure the general objectives of the zoning ordinance are met and to preserve property values in the neighborhood.

The request shall be reviewed using the following standards listed in Chapter 1290.04 Basis for Determination (for Special Use Permits):

- (a) The use will be harmonious with and in accordance with the general objectives of the Master Plan.
- (b) The use will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the neighborhood.
- (c) The use will not be hazardous or disturbing to existing or future neighboring uses.
- (d) The use will be a substantial improvement to property in the immediate vicinity and to the community as a whole.
- (e) The use will be adequately served by essential public facilities and services, such as streets, highways, police and fire protection, drainage, refuse disposal and schools, or the

persons or agencies responsible for the development shall be able to adequately provide such services.

(f) The use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.

(g) The use will not create activities, processes, materials, equipment or conditions of operation that will be detrimental to any person, property or the general welfare by reason of an excessive generation of traffic, noise, smoke, fumes, glare, vibrations or odors.

(h) The use will be consistent with the intent and purpose of this Zoning Code.

Analysis and Recommendation

Staff has reviewed the application and finds that it meets the requirements for submittal and is considered complete. Staff further finds the request consistent with the general standards listed in 1290.04, as outlined herein:

(a) The use of this structure as an assisted living facility will be harmonious with and in accordance with the general objectives of the City of Battle Creek Master Plan. A vision of the plan (pg. 3-3) holds that accommodating a diversity of people and lifestyles is critical to the long term vibrancy and strength of the city, and that a variety of housing choices and living environments would strengthen the city over time. Additionally, the plan calls for well-coordinated, high quality mental and physical health services be available to everyone, and any prevention initiatives be successful (pg. 3-4). Furthermore, the project will create new jobs through retention and expansion of existing employers (4-1) and will encourage residential development that provides a mix of housing types and a variety of density to optimize choice (4-13), both of which are objectives of the master plan.

(b) The proposed use will be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the neighborhood as the property is in close proximity to institutional uses including religious assembly uses and community parks, as well as a variety of residential housing options. The approval of the special use will allow for the expansion of a building that will be designed and constructed in accordance with the existing facility, both of which will have been designed to fit in with the character of the general vicinity.

(c) The use of this property is residential in nature and will not be hazardous or disturbing to existing or future neighboring uses, which has been demonstrated by the success and compatibility of the existing facility.

(d) The use will be a substantial improvement to property in the immediate vicinity and to the community as a whole as a valuable service is provided to a growing demographic of the population, in close proximity to commercial and institutional properties.

(e) Though traffic is not anticipated to significantly increase as a result of the proposed use, Helmer Road is classified as a principal arterial and could accommodate additional traffic. Additionally, there is adequate public infrastructure and utilities in place and no additional needs are required for this use.

(f) There will be no City expenses associated with the maintenance and improvements to the property, and therefore, the use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.

(g) There will be no activities, processes, materials, equipment or conditions of operation that will be detrimental to any person, property or the general welfare by reason of an excessive generation of traffic, noise, smoke, fumes, glare, vibrations or odors. Any noise associated with the use will be the result of typical activities found in a residential neighborhood.

(h) The use will be consistent with the intent and purpose of this Zoning Code in that the facility will be subject to compliance with all relevant sections of the zoning ordinance and codified ordinances, including noise, noxious vegetation, and property maintenance. Additionally, it will be required to be in compliance with all State licensing/certificate regulations concerning the proposed use.

Therefore, as the request meets the general standards listed in Chapter 1290.04 as outlined above, planning staff recommends that the Planning Commission recommend to the City Commission approval of Special Use Permit Petition S-01-14 that would allow a 10-unit expansion to the facility at 14316 S. Helmer Road with the following conditions:

1. At such time the property to the south is developed, a combination of berming and/or landscaping may be required at the south end of the parking lot to buffer it from adjacent residential property as determined by the future use and zoning ordinance regulations.

2. All necessary approvals, including site plan review, and any required permits shall be obtained, and maintained if applicable, from the appropriate agencies, including but not limited to the State of Michigan, Department of Public Works, and Inspections Department prior to Certificate of Occupancy.

3. Pursuant to Chapter 1232.01 (a), no change in the use or occupancy of land or in the use or occupancy of an existing building shall be made, nor shall any new building be occupied for any purpose, until a certificate of occupancy has been issued by the Zoning Administrator or his or her agent. Such a certificate shall state that the new occupancy complies with Building and Zoning Codes.

4. Pursuant to Chapter 1290.02 (e), certificates of occupancy for special uses shall be valid for a period established by the City Commission or as long as the use is established and maintained in conformity with the plans submitted and approved. Occupancy permits shall expire after one year if the use is not under construction or maintained. For good cause shown and upon written application, the Planning Commission may extend a special use permit for six months.

The Planning Commission can add additional conditions to those listed above in the staff recommendation. The Planning Commission may also upon deliberation, choose an alternative action from the following alternatives:

A1: Postpone the project for specific reasons, with agreement from the applicant;

A2. Articulate revised rationale of the general standards and/or conditions to recommend to the City Commission Approval OR Denial of the subject application.

Attachments

The following information is attached and made part of this Staff report : Special Use Permit petition Form and Supplemental Information (Petition #S-05-13)

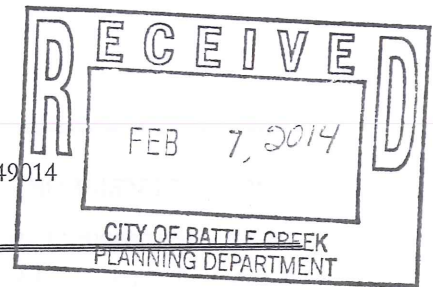


City of Battle Creek

Department of Planning and Community Development

City Hall • 10 N. Division Street, Ste. 117 • Battle Creek, Michigan 49014

Ph (269) 966-3320 • Fax (269) 966-3529 • www.battlecreekmi.gov



SPECIAL USE PERMIT

Application

Petition No. S-1-14

Date Received: Feb 7, 2014

APPLICANT

NAME: MR. SCOTT MORRISON AIA
ADDRESS: 49 A WEST CHICAGO ST. COLDWATER, MI. 49036
PHONE: 517-279-7787 FAX: 517-279-8903
EMAIL: SALENCORP@CBPV.COM

OWNER (if different from applicant)

NAME: MR. SCOTT GANTON
ADDRESS: 14316 HELMER RD. S. BATTLE CREEK, MI. 49015
PHONE: 269-969-2500 FAX: _____
EMAIL: S.GANTON@GANTONSENIORCOMMUNITIES.COM

****If the applicant is not the property owner, a letter signed by the owner agreeing to the Special Use Permit must be included with the application.**

EXISTING CONDITIONS

Address(es) of property for which the request is being sought: 14316 HELMER RD. S.
BATTLE CREEK (PARCEL #0072-00-610-0)

Current use of the property: SENIOR HOUSING FOR ALZHEIMERS

List existing structures on the property and the approximate age of each. _____

ONE EXISTING STRUCTURE

Has property involved ever been the subject of a previous application? If yes, please list each one and the date the request came before the Planning Commission.

YES,

PROJECT DESCRIPTION

What is the proposed use of the property that warrants the special use permit? AN ADDITION OF (10) TEN LIVING UNITS BASED UPON A WAITING LIST.

Please list all activities that will take place on the property if the special use permit were approved?
SENIOR HOUSING FOR ALZHEIMERS PATIENTS.

How many employees currently work on the property? How many will be added if the special use permit is approved, and what days/times will they be onsite? 10 PEOPLE CURRENTLY EMPLOYED, 14 TOTAL IF APPROVED.

Will the approval of the special land use necessitate changes to the property, i.e. building construction, additional parking, driveways, fencing? If yes, please provide a list of property improvements that will be associated with the special use permit. YES, WE WILL CONSTRUCT AN ADDITION OF 10 LIVING UNITS OF APPROX. 6,440 S.F. AND ADD 10 PARKING SPACES.

What are the proposed hours of operation for the special use? Please indicate if the special land use will be temporary, seasonal, or long term in nature, providing dates and timeframes if applicable:
SENIOR HOUSING 7 DAYS / WEEK

STANDARDS FOR APPROVAL

Chapter 1290 Special Uses and Land Development lists standards that will be reviewed by the Planning Commission and City Commission and the request for special use permit will only be approved if these standards are met. Provide factual and supportive evidence that your application meets each of these standards. Additional sheets may be attached if necessary.

Will the special land use be designed, constructed, maintained, and/or operated in a manner harmonious with the character of adjacent properties and the surrounding area? ☒ Yes ☐ No
SURROUNDING PROPERTIES ARE RESIDENTIAL

Will the special land use change the character of adjacent properties and the surrounding area?
☐ Yes ☒ No

THE ADDITION WILL BE CONSTRUCTED IN THE SOUTH EAST CORNER OF THE EXISTING BUILDING.

Will the special land use be hazardous to adjacent properties or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or properties?

☐ Yes ☒ No

PROPERTY IS RESIDENTIAL

Will the special land use be a substantial improvement to property in the immediate vicinity and to the community as a whole? ☒ Yes ☐ No

THE CURRENT BUSINESS HAS A WAITING LIST. THE PROPOSED ADDITION WILL PROVIDE NEEDED HOUSING FOR DEMENTIA PATIENTS.

Will the special land use place demands on public facilities or services in excess of current capacity?

☐ Yes ☒ No

WE WILL USE EXISTING WATER & SEWER TAP.

Will the special land use produce excessive traffic, noise, smoke, fumes, or glare? ☐ Yes ☒ No

THE RESIDENTS DO NOT DRIVE, THEY DO HAVE VISITORS

SUBMITTAL REQUIREMENTS

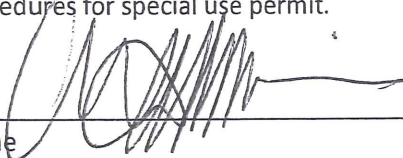
Each request requires the following items to be submitted along with the completed application; incomplete applications will not be forwarded to the Planning Commission.

1. Payment of a non-refundable \$600.00 filing fee, made payable to the City of Battle Creek.
2. An affidavit authorizing an applicant to act on behalf of the owner if the petitioner is not the owner.
3. Legal description of subject property and a list of all deed restrictions.
4. Property Site Plan as outlined in "Special Use Permit, Information and Procedures".

APPLICANT SIGNATURE

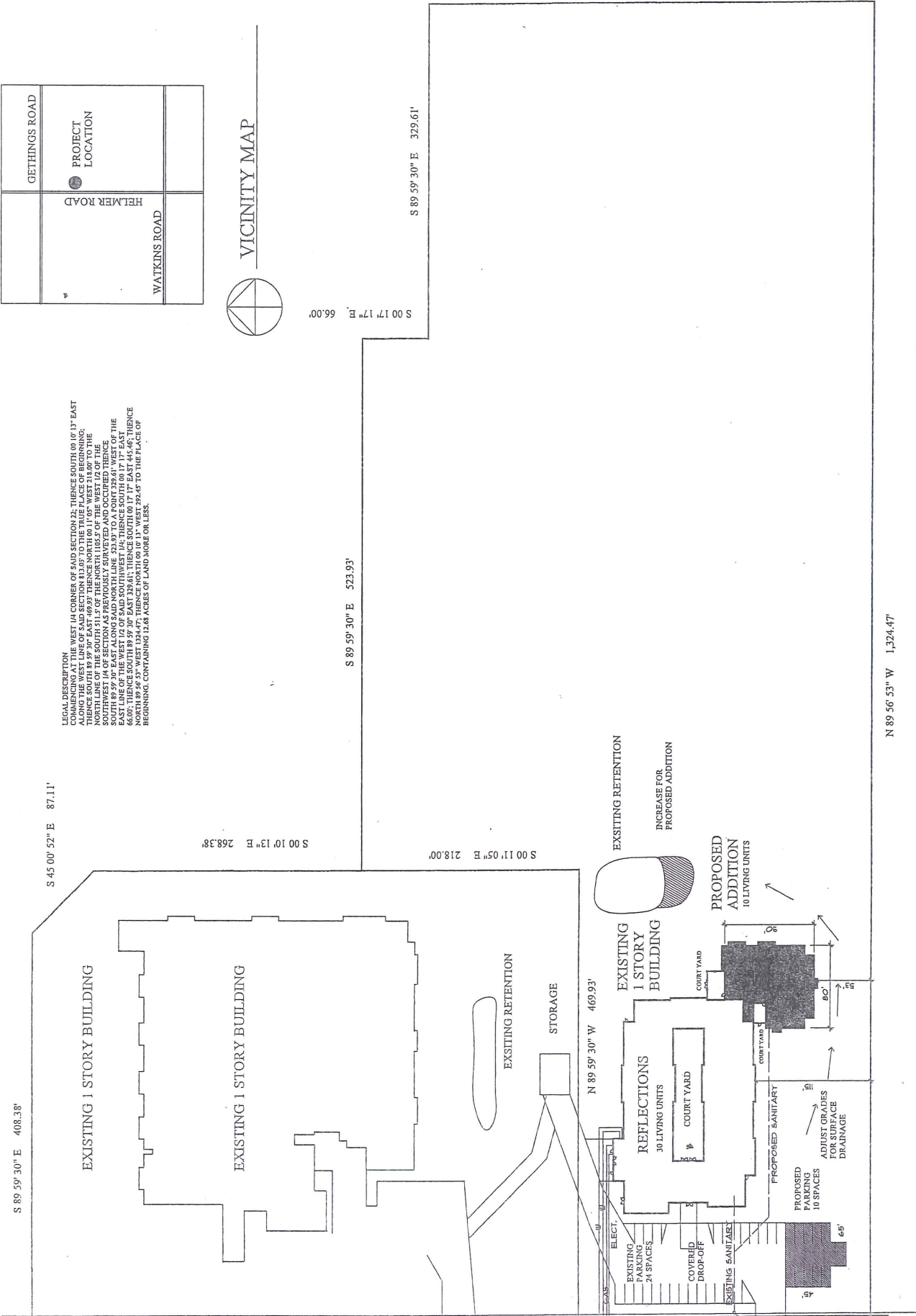
By signing this application, the applicant hereby declares that all answers given herein are true to the best of their knowledge, and confirms that all information required for submission of a special use permit have been submitted. Furthermore, the applicant confirms that they have thoroughly read "Special Use Permit, Information and Procedures" and agrees to comply with all requirements and procedures for special use permit.

Name



Date

2-3-14



LEGAL DESCRIPTION
COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 22; THENCE SOUTH 00 10' 13" EAST
ALONG THE WEST LINE OF SAID SECTION 22 TO THE TRUE PLACE OF BEGINNING;
THENCE SOUTH 89 59' 30" EAST 469.23'; THENCE NORTH 00 11' 05" WEST 218.00' TO THE
SOUTHWEST 1/4 OF SECTION 22; THENCE NORTH 00 10' 13" EAST 268.38' TO THE
SOUTHWEST 1/4 OF SECTION 22; THENCE NORTH 00 10' 13" EAST 268.38' TO THE
SOUTH 89 59' 30" EAST 523.93' TO A POINT 329.61' WEST OF THE
SOUTHWEST 1/4 CORNER OF SAID SECTION 22; THENCE NORTH 00 11' 05" WEST 218.00' TO THE
NORTH 89 56' 53" WEST 1324.47'; THENCE NORTH 00 10' 13" WEST 292.46' TO THE PLACE OF
BEGINNING, CONTAINING 12.68 ACRES OF LAND MORE OR LESS.

